

MEMORANDUM

Agenda Item No. 4(J)

TO:

Honorable Chairperson Barbara Carey-Shuler, Ed.D.

and Members, Board of County Commissioners

(Public Hearing 5-11-04)

DATE:

April 13, 2004

FROM:

George M. Burgess County Manager

SUBJECT: Ordinance Creating the

Pan American West

Community Development

District

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Pan American West Community Development District (CDD) in unincorporated Miami-Dade County, pursuant to the authority granted by the Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida Statutes.

BACKGROUND

Pan American West, LTD., owner of the Pan American West Development, has filed an application to create the Pan American West CDD in connection with said development. Pan American West is a 135.45-acre commercial/industrial development lying wholly within unincorporated Miami-Dade County, in the area bounded by NW 25th Street on the north, NW 17th Street on the south, NW 132nd Avenue on the east and NW 137th Avenue on the west. The CDD is designed to provide a financing mechanism for commercial/industrial infrastructure, services and facilities, along with certain ongoing operations and maintenance for the Pan American West Development. The development plans for the lands within the proposed CDD to be developed to provide commercial and industrial sites with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$8.973 million. A detailed summary of CDD elements, as well as their cost and anticipated lack of fiscal impacts to government agencies, is presented in the attached application submitted by Pan American West, LTD. In accordance with Florida Statute 190, Pan American West, LTD., has paid a filing fee of \$15,000 to the County.

This Board is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish governmental units such as the CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners Page 2

The roads within this development are all public and are to be maintained by Miami-Dade County. A special taxing district may be created to maintain the development's landscape within public roadways should the CDD be dissolved or fail to fulfill these maintenance obligations. This district will remain dormant until such time as Miami-Dade County determines that the CDD is not performing.

FISCAL IMPACT

The creation of the Pan American West Community Development District will have no fiscal impact on Miami-Dade County other than the normal maintenance of public facilities of the project.

Assistant County Manager

(Revised)

TO:

Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE:

May 11, 2004

FROM:

Robert A. Ginsburg

County Attorney

SUBJECT: Agenda Item No. 4(J)

Please	note any items checked.
	"4-Day Rule" ("3-Day Rule" for committees) applicable if raised
	6 weeks required between first reading and public hearing
	4 weeks notification to municipal officials required prior to public hearing
	Decreases revenues or increases expenditures without balancing budget
	Budget required
	Statement of fiscal impact required
	Bid waiver requiring County Manager's written recommendation
	Ordinance creating a new board requires detailed County Manager's report for public hearing
	Housekeeping item (no policy decision required)
	No committee review

Approved	<u> Mayor</u>	Agenda Item No.	4(J)
Veto		5-11-04	
Override			

ORDINANCE NO.

ORDINANCE GRANTING PETITION OF PAN AMERICAN WEST, LTD., ("PAN AMERICAN" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND **ESTABLISHING AMERICAN COMMUNITY** DEVELOPMENT WEST DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS DUTIES; AND **PROVIDING DESCRIPTION** AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD SUPERVISORS: **PROFFERED** ACCEPTING DECLARATION OF RESTRICTIVE COVENANTS: PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Miami-Dade County Board of County Commissioners the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

WHEREAS, Article VIII, Section 6(1) of the Florida Constitution provides for exclusive County Charter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

WHEREAS, Pan American West, LTD., ("Pan American" or "Petitioner") have petitioned for the establishment of the Pan American West Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the Miami-Dade County Board of County Commissioners in accordance with the requirements and procedures of Section 190.005(2)(b), Florida Statutes, and the applicable requirements and procedures of the Miami-Dade County Home Rule Charter and Code; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area, thereby providing a solution to the County's planning, management and financing needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the Board of County Commissioners finds that the statements contained in the Petition are true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the State comprehensive plan or the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the creation of the District is the best alternative available for delivering community development facilities and services to the area that will be served by the District; and

WHEREAS, the proposed facilities and services to be provided by the District will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

WHEREAS, the area that will be served by the District is amenable to separate specialdistrict government; and WHEREAS, the owner of the property that is to be developed and served by the community development services and facilities to be provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual lots with notice of liens and assessments applicable to such parcels; and

WHEREAS, having made the foregoing findings, after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 190, Florida Statutes; and

WHEREAS, the Miami-Dade County Board of County Commissioners finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of Miami-Dade County that the District have such powers.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The Petition to establish the Pan American West Community Development District over the real property described in Exhibit A attached hereto, which was filed by Pan American West, LTD., on February 3, 2004, and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached and incorporated herein (Exhibit B).

Section 3. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit C.

<u>Section 4.</u> The initial members of the Board of Supervisors shall be as follows:

<u>Section 4.</u> The initial members of the Board of Supervisors shall be as follows:

Linda Larrea

Stephen Blumenthal

Carlos C. Lopez-Cantera

Monica Serralta

Carlos M. Lopez-Cantera

Section 5. The name of the District shall be the "Pan American West Community Development District."

Section 6. The Pan American West Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter.

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Pan American West Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

Section 8. The Miami-Dade County Board of County Commissioners hereby grants to the Pan American West Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

Section 9. The Miami-Dade County Board of County Commissioners hereby grants to the Pan American West Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2) (a) (d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012 (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers; provided that the District's exercise of power under Section 190.012(1)(b), Florida Statutes, pertaining to water, waste water and reuse water services shall be pursuant to

that Declaration of Restrictive Covenants submitted to the Board of County Commissioners in connection with the petition.

Section 10. All bonds issued by the Pan American West Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 11. No bond, debt or other obligation of the Pan American West Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

Section 12. Notwithstanding any power granted to the Pan American West Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, or special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

Section 13. Notwithstanding any power granted to the Pan American West Community Development District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

Section 14. This Board hereby accepts that Declaration of Restrictive Covenants proffered by the owners of the lands within the jurisdiction of the Pan American West Community Development District, in connection with the petition submitted by Pan American West, LTD., and approved herein.

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Section 15. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 16. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

This ordinance shall become effective ten (10) days after the date of Section 17. enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

__RA6____

Joni Armstrong Coffey

EXHIBIT "A"

LEGAL DESCRIPTION

PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT

The West 7/8th of the Northwest ¼ of Section 35, Township 53 South, Range 39 East, lying and being in Miami-Dade County Florida;

LESS: The west 35 feet of the North 49 feet thereof. Lu[lying and being in Miami-Dade County Florida and containing 135.45 acres more or less.

EXHIBIT "B"

PETITION FOR ORDINANCE

FOR

PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT

February 3, 2004

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33410

561-630-4922 – Tele 877-737-4922 – Toll Free 561-630-4923 – Fax IN RE: AN ORDINANCE TO ESTABLISH THE:
PAN AMERICAN WEST COMMUNITY
DEVELOPMENT DISTRICT

PETITION

Petitioner, <u>PAN AMERICAN WEST, LTD.</u> ("Petitioner"), hereby petitions the Miami-Dade County Commission to establish a Community Development District ("District") with respect to the land described herein and in support of the Petition, Petitioner states:

- 1. The proposed District is located within the unincorporated area of Miami-Dade County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 135.45 acres of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the external boundaries of the proposed District, which is to be excluded from the District.
- 2. Attached to this Petition as <u>Exhibit 3</u> and made a part hereof is the written consent to the establishment of the District by the owners of 100% of the real property to be included in the District.
- 3. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Linda Larrea	743 Anastasia Ave.	Coral Gables, Fl 33134
Stephen Blumenthal	60 Edgewater Drive # 7C	Coral Gables, Fl 33133
Carlos C. Lopez-Cantera	7155 E. Lago Drive	Coral Gables, Fl 33143
Monica Serralta	7840 SW 74 th Place	Miami, Fl 33143
Carlos M. Lopez-Cantera	2660 SW 37 th Ave, PH9	Miami, Fl 33133

- 4. The proposed name of the District to be established is <u>Pan American West Community Development District (PAWCDD).</u>
- 5. There are no existing major trunk water mains, sewer interceptors or outfalls currently existing on the site.
- 6. The proposed timetable for the construction of District services is shown on Exhibit 4A and the estimated cost of constructing the services, based on available data, is shown on Exhibit 4B. These are good faith estimates but are not binding on the Petitioner or the District and are subject to change
- 7. Petitioner is in the process of developing the project as a commercial/industrial property. The proposed uses for the land within the District are commercial/industrial property development. There will be approximately 135.45 acres

in the District. The proposed uses for the land included within the proposed District are in compliance with Miami-Dade County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District for commercial industrial uses. The future general distribution, location and extent of public and private uses of land proposed for the area within the District are shown on Exhibit 5.

- 8. <u>Exhibit 6</u> is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.
- 9. The District is seeking and hereby requests the right to exercise all powers provided for in Section 190.06 through 190.041, Florida Statutes (except for powers regarding waste collection and disposal), including the special powers provided by Section 190.012(1), Florida Statutes and Sections 190.012(2)(a), (d) and (f), (except for powers regarding waste collection and disposal), Florida Statutes and Section 190.012(3), Florida Statutes.
- 10. The Petitioner is <u>Pan American West, Ltd.</u>, whose address is <u>Merrick Plaza Suite 200, 2199 Ponce de Leon Blvd., Coral Gables Fl 33134.</u>
- 11. The property within the proposed District is amenable to operating as an independent special district for the following reasons:
- a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective Miami-Dade County Comprehensive Development Master Plan, as amended.
- b. The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Miami-Dade County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and continuous to be developed as one functional inter-related community.
- c. The community development services of the District will be compatible with the capacity and use of existing local and regional community development services and facilities.
- d. The proposed District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District and provides a responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

WHEREFORE, Petitioner respectfully requests the Miami-Dade County Commission to:

- 1. Hold a public hearing as required by Section 190.005(2) (b), Florida Statutes to consider the establishment of the **PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT** and;
- a) Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the <u>PAN AMERICAN WEST COMMUNITY</u> **DEVELOPMENT DISTRICT**.

Respectfully submitted this and day of rebusey, 2004

PAN AMERICAN WEST LTD.

By: PAN AMERICAN WEST LC,

GENERAL PARTNER

CARLOS C. LOPEZ-CANTERA,

MANAGING MEMBER

Suite 200 Merrick Plaza

2199 Ponce de Leon Boulevard

Coral Gables, Fl 33134

AFFIDAVIT OF OWNERSHIP AND CONSENT TO THE CREATION OF THE PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT

-	F FLORIDA OF MIAMI-DADE
me, an offi	this day of 2004, personally appeared before cer duly authorized to administer oaths and take acknowledgments, <u>CARLOS</u> <u>CANTERA</u> who, after being duly sworn, deposes and says:
1.	Affiant <u>CARLOS C. LOPEZ-CANTERA</u> , an individual, is the <u>Managing Member</u> of <u>Pan AmericanWest LC</u> a <u>Florida Limited Liability Company;</u> <u>GENERAL PARTNER OF PAN AMERICAN WEST LTD</u> , a <u>Florida Limited Partnership.</u>
2.	The <u>Limited Partnership</u> is the owner of the following described property, to wit: See Exhibit "A" attached hereto (the "Property")
3.	Affiant, <u>CARLOS C. LOPEZ-CANTERA</u> , hereby represents that he has full authority to execute all documents and instruments on behalf of the Limited Partnership including the Petition before the Board of <u>County Commissioners of Miami-Dade County</u> , Florida, to enact an ordinance to establish the <u>Pan American West Community Development District</u> (the "Proposed CDD").
4.	The property represents all of the real property to be included in the Proposed CDD.
	Affiant, CARLOS C. LOPEZ-CANTERA on behalf of Pan American West LTD, as the sole owner of the property in the capacity described above, hereby consents to the establishment of the proposed CDB, AFFIANT SAYETH NOT. CARLOS C. LOPEZ-CANTERA
	scribed and sworn to before me this 2 day of reburned, 2004, by personally who personally efore me, and is personally known. Notary: Print Name: Notary Public, State of Florida ROSSY H. LUGO Notary Public - State of Florida ROSSY H. LUGO Notary Public - State of Florida ROSSY H. LUGO Notary Public - State of Florida ROSSY H. LUGO Notary Public - State of Florida ROSSY H. LUGO Notary Public - State of Florida ROSSY H. LUGO Notary Public - State of Florida

EXHIBIT 4B CONSTRUCTION COSTS ESTIMATES PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT

LAND	\$ 2,820,000
MITIGATION	\$ 566,460
	ψ 500,400
EARTHWORK	\$ 1,275,000
WASTEWATER SYSTEM	\$ 1,021,953
WATER SUPPLY SYSTEM	\$ 492,641
SURFACE WATER MANAGEMENT	\$ 414,178
ROADS AND PAVING	\$ 724,625
CANAL IMPROVEMENTS	\$ 338,000
LANDSCAPING	\$ 150,000
TOTAL ESTIMATED PROJECT COSTS	\$ 7,802,856
SOFT COSTS (ENGINEERING, ETC.) @ 5%	\$ 390,143
CONTINGENCY @ 10%	\$ 780,286
TOTAL ESTIMATED PROJECT COSTS	\$ 8,973,284

EXHIBIT 6

PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT

STATEMENT OF ESTIMATED REGULATORY COSTS

February 3, 2004

Prepared by

Special District Services, Inc. 11000 Prosperity Farms Road, Suite 104 Palm Beach Gardens, Florida 33410

> (561) 630-4922-Tele (877) 737-4922-Tol Free (561) 630-4923-Fax

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Pan American West Community Development District ("District"). The District comprises approximately 135.45 acres of land located in the unincorporated area of Miami Dade County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2) (d), F.S. (governing District establishment) as follows:

"That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of Pan American West Community Development District

The District is designed to provide district infrastructure, services, and facilities along with their operations and maintenance (if any) to a master planned commercial/industrial development containing 135.45 acres of land within the boundaries of the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

- (a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.
- (c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the ordinance. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.
- (d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section

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- 120.52, F.S. Miami Dade County is not defined as a small County for purposes of this requirement.
- (e) Any additional information that the agency determines may be useful.
- (f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

"Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2) (a), Florida Statutes."

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The Pan American Community Development District serves land that comprises a <u>135.45</u> acre commercial/industrial development.

3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

There is no state agency promulgating any rule relating to this project that is anticipated to effect state or local revenues.

3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the results of adopting the ordinance is establishment of a local special purpose government, there will be no enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established on the proposed land, will encompass under 1,000 acres, therefore, Miami Dade County is the establishing entity under 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential.

Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Community Affairs which offsets such costs.

Miami Dade County

There will be only modest costs to the County for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the County already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, the County routinely process similar petitions though for entirely different subjects, for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to Miami Dade County, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it establishes a monitoring program for this District. However, the Petitioner has included a payment of \$15,000 to offset any expenses the County may incur in the processing of this Petition, or in the monitoring of this District.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other of local government. In accordance with State law, debts of the District are strictly its own responsibility.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide.

Table 1

PAN AMERICAN WESTCOMMUNITY DEVELOPMENT DISTRICT

Proposed Facilities and Services

FACILITY	FUNDED BY	O&M BY	OWNERSHIP BY
Drainage System	CDD	CDD	CDD
Potable Water Supply System	CDD	County	County
Roads	CDD	County	County
Canal Improvements	CDD	CDD	State of Florida
Sanitary Sewer System	CDD	County	County

The petitioner has estimated the costs for providing the capital facilities outlined in Table 1. The cost estimates are shown in Table 2 below. Total costs for those facilities, which may be provided, are estimated to be approximately \$8,973,284. The District may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non ad valorem special assessments levied on all properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non ad valorem special assessments by various names for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Furthermore, locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non ad valorem special assessments by various names and user fees as a tradeoff for the benefits and facilities that the District provides.

A Community Development District ("CDD") provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, County provision, or through developer equity and/or bank loans.

In considering these costs it shall be noted that owners of the lands to be included within the District will receive three major classes of benefits.

First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised

growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting, to determine the type, quality and expense of District services they receive, provided they meet the County's overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

<u>Table 2</u>
PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT

Cost Estimate for District F	acilities
LAND	\$ 2,820,000
MITIGATION	\$ 566,460
EARTHWORK	\$ 1,275,000
WASTEWATER SYSTEM	\$ 1,021,953
WATER SUPPLY SYSTEM	\$ 492,641
SURFACE WATER MANAGEMENT	\$ 414,178
ROADS AND PAVING	\$ 724,625
CANAL IMPROVEMENTS	\$ 338,000
LANDSCAPING	\$ 150,000
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SOFT COSTS (ENGINEERING, ETC.) @ 5%	\$ 390,143
CONTINGENCY @ 10%	\$ 780,286
TOTAL ESTIMATED PROJECT COSTS	\$ 8,973,284

Table 3

PAN AMERICAN WEST COMMUNITY DEVELOPMENT DISTRICT

ESTIMATED TIME TABLE FOR CONSTRUCTION

IMPROVEMENT	START DATE	COMPLETE DATE
MITIGATION	July 2004	July 2005
EARTHWORK	July 2004	July 2005
WASTEWATER SYSTEM	October 2004	October 2005
WATER SUPPLY SYSTEM	October 2004	October 2005
SURFACE WATER MGMT.	October 2004	October 2005
ROADS, PAVING	October 2004	October 2005
CANAL IMPROVEMENTS	January 2004	October 2005
LANDSCAPING	July 2005	October 2005

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be no impact on small businesses because of the establishment of the District. The Miami Dade County has an estimated population in 2004 that is greater than 10,000; therefore the County is not defined as a "small" County according to Section 120.52, F.S, and there will accordingly be no impact on a small County because of the formation of the District.

6.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

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APPENDIX A LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUE CITATION	DUE DATE
Annual Financial Audit	11.45	within 45 days of audit completion, but no later than 12 months after end of fiscal year
Annual Financial Report	218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, by 4/30
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial	112.3145	within 30 days of accepting interest the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.415	within one year of special district's creation; then annual notice of any changes; and updated report every 5 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.417	quarterly, semiannually, or annually
Bond Report	218.38	when issued
Registered Agent	189.416	within 30 days after first meeting of governing board
Proposed Budget	189.418	prior to end of current fiscal year
Public Depositor Report	280.17	annually by 11/30

DISTRICT BOUNDARIES - CANAL-R/W AVE 132 ST NW 17



COMMUNITY DEVELOPMENT DISTRICT

(C0MM. 0012)

SECTION: 35-53-39

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